

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

United States of America,	)	No. CV-20-00173-PHX-SPL
	)	
Plaintiff/Respondent,	)	(No. CR-15-01118-PHX-SPL)
vs.	)	
	)	<b>ORDER</b>
Jason Todd Mogler,	)	
	)	
Defendant/Movant.	)	

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Movant Jason Todd Mogler has filed an Amended Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody pursuant to 28 U.S.C. § 2255 (“Motion”) (Docs. 16, 18). The Honorable Deborah M. Fine, United States Magistrate Judge, has issued a Report and Recommendation (“R&R”), recommending that the Court deny the Motion (Doc. 62). Judge Fine advised the parties that they had fourteen (14) days to file objections to the R&R and that failure to file timely objections could be considered a waiver of the right to obtain review of the R&R (Doc. 62 at 57–58). *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72; *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

The parties did not file objections, which relieves the Court of its obligation to review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not... require any review at all... of any issue that is not the subject of an objection.”); Fed. R. Civ. P. 72(b)(3) (“The district judge must determine de novo any part of the magistrate judge’s disposition that has been properly objected to.”).

1 The Court has nonetheless reviewed the R&R and finds that it is well-taken. The Court  
2 will adopt the R&R and deny the Motion. *See* 28 U.S.C. § 636(b)(1) (stating that the district  
3 court “may accept, reject, or modify, in whole or in part, the findings or recommendations  
4 made by the magistrate”); Fed. R. Civ. P. 72(b)(3) (“The district judge may accept, reject,  
5 or modify the recommended disposition; receive further evidence; or return the matter to  
6 the magistrate judge with instructions.”). Accordingly,

7 **IT IS ORDERED:**

8 1. That Magistrate Judge Deborah M. Fine’s Report and Recommendation (Doc.  
9 62) is **accepted** and **adopted** by the Court;

10 2. That the Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal  
11 Custody pursuant to 28 U.S.C. § 2255 (CV-20-00173-PHX-SPL, Doc. 16; CR-15-01118-  
12 PHX-SPL, Doc. 735) is **denied** without an evidentiary hearing;

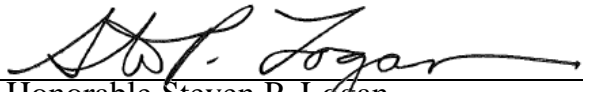
13 3. That this case is **dismissed with prejudice**;

14 4. That a certificate of appealability and leave to proceed *in forma pauperis* on  
15 appeal are **denied**;

16 5. That the Clerk of Court shall file this Order in the underlying related criminal  
17 action, Case No. CR-15-01118-PHX-SPL; and

18 6. That the Clerk of Court shall enter judgment accordingly and **terminate** this  
19 action.

20 Dated this 15th day of October, 2021.

21   
22 Honorable Steven P. Logan  
23 United States District Judge  
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